

OFFICIAL COPY

Fresno, California

August 19, 2003

The City Council met in regular session at the hour of 8:39 a.m. in the Council Chambers, City Hall, on the day above written.

|          |                  |                          |
|----------|------------------|--------------------------|
| Present: | Brian Calhoun    | Councilmember            |
|          | Brad Castillo    | Acting Council President |
|          | Mike Dages       | Councilmember            |
|          | Jerry Duncan     | Councilmember            |
|          | Henry Perea      | Councilmember            |
|          | Cynthia Sterling | Councilmember            |
|          | Tom Boyajian     | Council President        |

Dan Hobbs, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Cindy Bruer, Deputy City Clerk

City Manager Hobbs gave the invocation and Bob Shaner, Commander of the VFB 5057 No. 11, led the Pledge of Allegiance to the Flag and also read the Pledge of Allegiance Red Skelton style.

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RESOLUTION OF COMMENDATION TO MR. RAFAEL NAVARO - COUNCILMEMBER STERLING

RESOLUTION OF COMMENDATION TO EIGHT GIRL SCOUTS FOR RECEIVING THE PRESIDENTIAL AWARD FOR COMMUNITY SERVICE - COUNCILMEMBER CALHOUN

The above proclamations/presentations read and presented.

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APPROVE CITY COUNCIL MINUTES OF July 29, 2003

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the City Council minutes of July 29, 2003, approved as submitted.

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**COUNCILMEMBER REPORTS AND COMMENTS**

Councilmember Duncan apologized for any concerns or misunderstandings that resulted from a number of e-mails sent a couple of months ago during a Council meeting which subsequently were made public.

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**APPROVE AGENDA:**

**(4:30 P.M.)** WORKSHOP RELATING TO ISSUING REQUEST FOR PROPOSALS (RFP) ON PARA TRANSIT CONTRACT - COUNCILMEMBER PEREA

Rescheduled for the August 26, 2003. Time to be set.

On motion of Acting President Castillo, seconded by President Boyajian duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian |
| Noes   | : | None  |
| Absent | : | None  |

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**CONTESTED CONSENT CALENDAR:**

**(1-L) RESOLUTION** - APPROVING THE FINAL MAP OF TRACT NO. 5077 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE PUBLIC WORKS DIRECTOR AND PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS - PLANNING AND DEVELOPMENT DEPT.

Jeff Roberts, Granville Homes, stated for the record that Granville Homes was in favor of approving the above listed project, stated there was an issue with two of the fees involved and Granville wished to be given credit for a portion of the project. Mr. Roberts requested the credit include the excess work performed in the first phase of the project which exceeded the fee requirements by approximately \$98,000 and included the transmission grid fee of \$10,000 and a major street fee of approximately \$88,000.

After brief discussion Councilmember Duncan pulled Consent Calendar item 1-L for further discussion at 2:00 p.m.

**(1-K)** FINDING OF MINOR IRREGULARITY AND AWARD A CONTRACT TO ROYAL ELECTRIC COMPANY OF SACRAMENTO, FOR FRESNO YOSEMITE INTERNATIONAL AIRPORT CONSTRUCTION OF NEW AIRFIELD ELECTRICAL VAULT - GENERAL SERVICES DEPT./AIRPORT DEPT.

Councilmember Dages pulled the item for further discussion.

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**ADOPT CONSENT CALENDAR:**

**(1-A)** APPROVE AN AGREEMENT TO AUTHORIZE THE CITY OF FRESNO TO ENTER INTO A CONTRACT WITH THE 21<sup>ST</sup> DISTRICT AGRICULTURAL ASSOCIATION TO PROVIDE POLICING SERVICES AT THE 2003 FRESNO DISTRICT FAIR - POLICE DEPT.

**(1-B)** APPROVE FUNDING MAINTENANCE ACTIVITIES OF REGIONAL MULTI-PURPOSE TRAILS AND COMMUNITY FACILITIES DISTRICT NO. 2 - PUBLIC WORKS DEPT.

FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 55 AND AUTHORIZE THE LEVY OF SPECIAL TAXES - PUBLIC WORKS DEPT.

**(1-D) RESOLUTION NO. 2003-248** - OF INTENTION TO ANNEX FINAL TRACT NO. 5190 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 56 AND AUTHORIZE THE LEVY OF SPECIAL TAXES - PUBLIC WORKS DEPT.

**(1-E)** AUTHORIZE STAFF TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT AND AMEND THE AGREEMENT WITH RRM DESIGN GROUP TO INCLUDE FIRE STATION NO. 15 WITH THE BID PACKAGE FOR FIRE STATION NO. 21, NOT TO EXCEED THE AMOUNT OF \$141,960 SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AGREEMENT ON BEHALF OF THE CITY - PUBLIC WORKS DEPT./FIRE DEPT.

**(1-F)** APPROVE THE SALE OF A REMNANT PARCEL AT FRESNO AND MADISON TO THE ADJACENT OWNER FOR THE APPRAISED PRICE OF \$500, AND THE TRANSFER OF TWO (2) LOTS NEAR FLORENCE AND THORNE AVENUES TO THE REDEVELOPMENT AGENCY; AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO EXECUTE THE DEEDS AND ANY OTHER DOCUMENTS AS NECESSARY TO COMPLETE THE TRANSACTIONS - PUBLIC WORKS DEPT.

**(1-G) \* RESOLUTION NO. 2003-249** - 15TH AMENDMENT TO AAR NO. 2003-209 APPROPRIATING \$95,100 FOR THE STATE GRANT FUND (*REQUIRES 5 AFFIRMATIVE VOTES*) - POLICE DEPARTMENT

**(1-H) \* RESOLUTION NO. 2003-250** - 17<sup>TH</sup> AMENDMENT TO THE AAR NO. 2003-209 APPROPRIATING \$195,100 TO CONTINUE THE OPERATIONS OF THE VARIOUS FEDERAL GRANTS (*REQUIRES 5 AFFIRMATIVE VOTES*) - POLICE DEPARTMENT

**(1-I)** AUTHORIZE THE ACCEPTANCE OF FISCAL YEAR 2003-2004 GRANT FUNDS FROM THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY - POLICE DEPARTMENT

**1. \* RESOLUTION NO. 2003-251** - 12TH AMENDMENT TO AAR NO. 2003-209 APPROPRIATING \$50,000 FOR THE FRESNO POLICE DEPARTMENT'S CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN GRANT (*REQUIRES 5 AFFIRMATIVE VOTES*)

**(1-J) RESOLUTION NO. 2003-252** - CLAIMING FUNDS FOR UNCASHED CHECK FOR THE PERIOD FROM 1998 TO 1999 AND WILL BE TRANSFERRED TO THE GENERAL FUND - FINANCE DEPT.

**(1-M) RESOLUTION NO. 2003-253** - APPROVING THE FINAL MAP OF TRACT NO. 5103 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS - PLANNING AND DEVELOPMENT DEPT.

**1. \* RESOLUTION NO. 2003-254** - 16<sup>TH</sup> AMENDMENT TO AAR NO. 2003-209 APPROPRIATING \$17,400 FOR THE PURPOSE OF FUNDING THE RIGHT-OF-WAY ACQUISITION IN UGM TRACT NO. 5103 (*REQUIRES 5 AFFIRMATIVE VOTES*)

**(1-N)** APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE REGULATORY AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS BY AND AMONG CITY OF FRESNO AND WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE AND PRESERVATION HOTEL CALIFORNIA, L.P., A CALIFORNIA LIMITED PARTNERSHIP - FINANCE DEPT.

**(1-O)** AUTHORIZE EXECUTION OF CONTRACT FOR THE PREPARATION OF THE PINEDALE SPECIFIC PLAN SUBJECT TO WRITTEN CONFIRMATION FROM THE CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION THAT NO CONFLICT OF INTEREST IS PRESENT - PLANNING AND DEVELOPMENT DEPT.

**(1-P) \* BILL NO. B-69 - (FOR INTRODUCTION)** - AMENDING CHAPTER 10, ARTICLE 1, SECTION 10-103 (P) AND ADD CHAPTER 10, ARTICLE 10, SECTION 10-1019 TO THE FRESNO MUNICIPAL CODE TO ALLOW FOR UP TO FOUR (4) MOTORCYCLES TO BE PARKED IN ON-STREET AND OFF-STREET METERED AND UNMETERED PARKING SPACES - PUBLIC WORKS DEPT.

**(1-Q) \* BILL NO. B-70 - (FOR INTRODUCTION)** - AMENDING SECTIONS 9-501.1 AND 9-503.1(C) OF THE FRESNO MUNICIPAL CODE RELATING TO SEWAGE AND WATER DISPOSAL - DEPT. OF PUBLIC UTILITIES

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian |
| Noes   | : | None  |
| Absent | : | None  |

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The City Council met in joint session with the Redevelopment Agency at the hour of 9:06 a.m.

**(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

APPROVE AGENCY MINUTES OF JULY 29, 2003

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the Agency minutes of July 29, 2003, approved as submitted.

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**A. HEARING** TO CONSIDER THE FOLLOWING ACTIONS RELATING TO PROPOSED DISPOSITION TO AND DEVELOPMENT BY CENTRAL VALLEY BUSINESS INCUBATOR, INC. (CVBI), OF A TWO-STORY, 23,324 SQUARE FOOT BUSINESS INCUBATOR FACILITY/OFFICES WITH OFF-STREET PARKING ON A 0.52 ACRE SITE LOCATED AT 730 VAN NESS STREET, IN THE CONVENTION CENTER REDEVELOPMENT PROJECT AREA, BOUNDED BY INYO, VAN NESS, MONO AND THE VAN NESS/"L" STREET ALLEY

**1. RESOLUTION NO. 2003-255/1637** - APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT (D&DA) BETWEEN THE REDEVELOPMENT AGENCY AND CVBI FOR THE DEVELOPMENT OF A TWO-STORY, 23,324 SQUARE FOOT BUSINESS INCUBATOR FACILITY/OFFICES WITH OFF-STREET PARKING ON .052 ACRES OF PROPERTY LOCATED AT 730 VAN NESS STREET (*COUNCIL AND AGENCY ACTION*)

**2.** AUTHORIZE THE EXECUTIVE DIRECTOR OR THE REDEVELOPMENT ADMINISTRATOR, ON APPROVAL OF THE OFFICE OF THE CITY ATTORNEY, TO EXECUTE THE D&DA AND OTHER DOCUMENTS, INCLUDING WITHOUT LIMITATION ESCROW INSTRUCTIONS AND THE DEED, AND TAKE OTHER ACTIONS NECESSARY TO CONVEY THE PROJECT SITE TO THE DEVELOPER, SUBJECT TO THE PURCHASE PRICE, DEED RESTRICTIONS, AND OTHER TERMS CONTAINED IN THE D&DA, AND TO OTHERWISE FINALIZE OR CARRY OUT THE INTENTS AND PURPOSES OF THE AGENCY BOARD AND/OR CITY COUNCIL (*COUNCIL AND AGENCY ACTION*)

Upon call, no one wished to be heard and Chair Duncan closed the hearing.

Executive Director Fitzpatrick briefly reviewed the history of the project. Claude Laval, Chairman, stated the new facility in the downtown area would allow involvement of more companies, provide more jobs and would be a significant factor in the economic growth of Fresno.

Councilmember Sterling stated this was a historic occasion with Councilmember Perea concurring.

Councilmember Calhoun expressed concern with University of California not being involved in the downtown area with Mr. Fitzpatrick stating there has been communication with representatives of the University of California. Mr. Laval stated the incubator hires teachers and expressed the intent to involve the entity.

Brief discussion ensued regarding the various timelines of the project including the bid process and the groundbreaking ceremony.

A motion to adopt the above resolution was acted upon after Mr. Fitzpatrick stated for the record, that the motion was to approve recommendations 1 through 3 and that contract counsel had been working with EDA on minor amendments to the agreement, on file in the City Clerk's Office.

A motion of Chair Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled joint Council Resolution No. 2003-255 and Redevelopment Agency Resolution No.1736 hereby adopted, and authorize the Executive Director or the Redevelopment Administrator, on approval of the Office of the City Attorney, to execute the D&DA and other documents, including without limitation escrow instructions and the deed, and take other actions necessary to convey the project site to the developer, subject to the purchase price, deed restrictions, and other terms contained in the D&DA, and to otherwise finalize or carry out the intents and purposes of the Agency Board and/or City Council, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian |
| Noes   | : | None  |
| Absent | : | None  |

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The joint bodies adjourned their meeting at 9:20 a.m and the City Council reconvened in regular session.

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**(8:45 A.M.) PUBLIC COMMEND PERIOD:**

**(A) SCHEDULED PUBLIC COMMENT**

**1. APPEARANCE BY KENNETH J. PRICE, REPRESENTING SMG TO DISCUSS THE CONVENTION CENTER MANAGEMENT CONTRACT**

Douglas Jensen, representing SMG, requested the City Council hold off signing the contract with Global Spectrum for the management of the Fresno Convention Center until after a Federal District Court determines whether or not Global Spectrum was in contempt of an injunction that occurred in 1994. Mr. Jensen discussed the qualifications and Request For Proposal process.

No action taken.

**2. APPEARANCE BY FRANK E. RUSSO, JR. AND/OR PHIL WEINBERG, REPRESENTING GLOBAL SPECTRUM**

## TO DISCUSS THE CONVENTION CENTER MANAGEMENT CONTRACT

Phil Weinberg, representing Global Spectrum, advised of a number of sports and entertainment industries Global Spectrum represented, reviewed the lawsuit SMG had filed in Florida stating the lawsuit was filed for the purpose of setting aside the present contract and gave a brief overview of what would happen in the lawsuit. No action taken.

**(2-0)** Councilmember Calhoun questioned the City Attorney as to whether it would be in order to make a motion to place on the August 26, 2003 Council agenda for discussion the issue of delaying the signing of the contract for management of the Convention Center by Global Spectrum until the outstanding Court issues are resolved with City Attorney Montoy stating it was not appropriate at the present time, but stated the item could be placed on a future agenda.

Acting President Castillo stated, for the record, that the Council appointed himself, Councilmembers Sterling and Duncan to work with Global Spectrum to provide a contract and noted the City Attorney had rendered the opinion the lawsuit filed in Florida would not affect the ability to sign the contract and requested Council not support the delay.

Councilmember Dages questioned when the contract would be completed with Ms. Montoy stating if the contract was completed by next week then Councilmember Calhoun's agenda item would be moot. Councilmember Dages expressed concern with not reviewing the contract after its completion and concurred with Councilmember Calhoun on delaying the signing of the contract.

## **(B) UNSCHEDULED COMMUNICATION**

Gloria Hernandez, 3232 E. Hedges spoke to the issue regarding recently publicized e-mails sent by Councilmember Duncan and certain staff, and expressed concern with its content. Also speaking in protest of the e-mails were Diane Scott, 4843 N. Thesta, who requested a resolution be adopted to enforce decorum of City Council meetings; Valta F. Pointer, 3044 N. Fruit Avenue "F", expressed concern with making racial remarks; Debbie Reyes, 623 N. Harrison, spoke of zero tolerance and requested Council appoint an ad hoc committee to include Councilmembers Calhoun and Duncan for the purpose of attending a mediation workshop to resolve several issues; Nicholas DeGraff, 5339 N. Orchard Avenue, requested the resignation of involved persons; Ken Hudson, District 1, expressed sadness and offense; Kelly Borkert, 5668 Millbrook, discussed domestic terrorism, Rebecca Rangel, 130 E. Harvard Avenue, expressed concern that serious action needed to take place; Reverend Floyd Harris, 1630 W. Kearney Blvd, concerned with the Fresno Police Dept. not taking action to prosecute individuals involved; R.J. Jerman, Tower District, discussed an anti-trust law; Tracy Pepper, 5076 W. Menlo Avenue, stated the involved individuals needed to be punished for their actions; Chuck Krugman, 1530 E. Vassar, Apt. S - expressed concern with the inappropriate use of e-mail; Larry Norton, 1515 N. Glenn Avenue, spoke of the repercussions he received after voicing his opinion in the Fresno Bee regarding the inappropriate use of e-mail; Cary Catalano, 1516 N. Arthur questioned the protocol regarding conflicts of interest with City Attorney Montoy responding; and Gail Gaston, Human Relations Commission, discussed the Police Department not responding to a complaint.

President Boyajian stated tolerance and diversity were very important and stressed the importance of elected officials representing the citizens and concluded by noting the importance of respecting the position as a Councilmember. **(3-0)** Acting President Castillo stated discussions have taken place to share different ideas and noted the importance of moving forward with City business.

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**RECESS 10:16 A.M. - 10:32 A.M.**

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**142-53**

**8/19/03**

**(9:00 A.M.) AWARD A CONTRACT TO ORANGE AVENUE DISPOSAL, INC. OF FRESNO FOR THE TRANSFER,**

PROCESSING AND DISPOSAL OF MUNICIPAL SOLID WASTE, CONSTRUCTION AND DEMOLITION MATERIALS, ASPHALT AND CONCRETE MATERIALS, AND HOUSEHOLD HAZARDOUS WASTE MATERIALS - GENERAL SERVICES DEPT./DEPT. PUBLIC UTILITIES *(DISCUSSED LATER DURING THE MEETING)*

Councilmember Dages recused himself from participating in the above listed item, citing he had a conflict of interest, and left the meeting at 10:33 a.m.

General Services Director Nerland gave an extensive overview of the staff report, introduced the Selection Committee involved in the project and recommended awarding a 20-year contract to Orange Avenue Disposal (OAD) and reviewed the \$22.4 million potential savings over the contract period compared to projected City costs. Mr. Nerland stated that prior to the last, best and final offer from each proposer, a letter was received from Val Saldana, an attorney representing Sunset Waste, which stated the RFP process was flawed and the proposal from OAD should be rejected. Mr. Nerland stated the City Attorney's response was that the RFP process was appropriate and emphasized that the RFP process used in awarding the contract to OAD had been used in numerous RFP's approved by Council that also included a last, best and final offer and gave several examples. Mr. Nerland advised Mr. Saldana's letter stated the last, best and final process provided an opportunity for OAD to increase their pricing from \$28.75/ton to \$35.00/ton after seeing Sunset Waste's price of \$40.00/ton and noted the pricing offered by both proposers with their last, best and final offer was included in the original proposals and the committee requested an apples to apples comparison. Mr. Nerland reiterated the best solution was selected in the RFP process, and the City would be protected by a performance bond in an amount equal to 10% of the annual value of the contract or approximately \$1 million should OAD fail to perform. Mr. Nerland concluded by stating the key point in comparing the two proposals was the savings of \$24.7 million offered by OAD over the 20 year contract period.

Lee Schultz, Chairman of the selection committee, briefly reviewed the evaluation process, the savings to the rate payers of \$1.2 million and reviewed differences of savings over 20 years between Orange Avenue Disposal and Sunset Waste.

Val Saldana, 5200 N. Palm, Suite 401, reviewed the process and stated each proposer was to provide references for the purpose of ensuring that each company had the ability to perform and requested a delay in awarding the contract.

Richard Caglia, representing Orange Avenue Disposal, 3280 S. Orange Avenue, stated the City could take advantage of saving \$2 million per year to the Solid Waste Division in transportation costs, reviewed the ability to expand, and requested Council award the contract to OAD.

Harlan Kelly, 3378 W. Kearney Blvd, Member of the Southwest Edison Advisory Committee, stated a subcommittee reviewed the price per ton between the two companies and discussed the benefits to West Fresno if the contract was awarded to Sunset Waste. Mr. Kelly requested Council assign a third party to review the proposals due to impropriety of the City and the Redevelopment Agency and elaborated.

Also speaking to the issue were: Reverend Harris, 1630 W. Kearney Blvd., who stated the bid process was old and outdated, and that Sunset Waste had a vision and would provide more jobs; Chip Clements, 3611 Seneca Avenue, requested Council assign a third party to review the process and reiterated Sunset provided the correct number of references in the bid process and expressed concern on how the \$35/ton could pay for the entire process of recycling; Barbara Hunt, 2475 S. Walnut, spoke in support of providing more jobs for people in the City; and Evan Edgar, Consultant to OAD, 1301 "D" Street, Sacramento, stated that it was possible to recycle 54% at the OAD and elaborated.

Councilmember Calhoun reviewed the dollar spread per ton and the annual savings between the companies

and emphasized the importance of Orange Avenue Disposal providing a performance bond and made a motion to award the contract to Orange Avenue Disposal which was acted upon after extensive discussion.

Len Harris, 103 E. Tuolumne, stated he had worked for OAD for over 20 years and expressed his support.

Councilmember Duncan questioned whether the process was legal and fair, discussed the savings going back to the Solid Waste Division, the job opportunities and raised questions relating to the performance bond with Mr. Nerland, City Attorney Montoy and Richard Caglia responding. Councilmember Duncan spoke in support of awarding the contract to Orange Avenue Disposal.

**(4-0)** Councilmember Sterling stated Sunset Waste has provided a boost to the West Fresno area and the community and questioned how OAD's initial price would be able to provide additional revenue due to it being so low; discussed the process of continuing to build transfer stations by Sunset Waste that did not work out, stated OAD already had their station built and could begin service sooner, and emphasized the importance of the need to treat people fairly.

Assistant Public Utilities Director Wiemiller responded to questions by Acting President Castillo pertaining to the methodology submitted, dates the original prices were submitted by both proposers, and questioned the price of \$28.75 with the alternatives being included. Extensive discussion ensued regarding the alternatives with Mr. Wiemiller stating the City provided all the information on what services were needed and referenced apples to apples comparisons. Ms. Montoy reviewed the alternative cost proposal(s) and clarified the \$28.75 with exceptions versus the \$35.00 without exceptions with extensive discussion ensuing. Mr. Wiemiller reviewed some exceptions that included the re-routing of routes and a landfill tipping fee. Acting President Castillo expressed concern with the initial price of \$28.75 with the last, best and final offer and the ability to increase the price thereafter and reiterated the importance of looking into all the alternatives.

Councilmember Perea questioned the statement "clarifying initial responses" and how many times during the RFP process did the price increase with Mr. Wiemiller responding. Extensive discussion ensued regarding comparing apples to apples and comparing the primary proposals. **(5-0)** Councilmember Perea questioned Mr. Saldana regarding the process changing and contracts would be broken with Mr. Saldana reviewing the program description, stated OAD would provide \$35.00/ton but the City would have to change the way they do business and responded to questions regarding required references.

Councilmember Perea expressed concern with the procedure and whether the proposals were evaluated on its merits and requested an independent review occur, referenced a Fresno Bee article referring to contributions and possible politics that might get in the way and stated he would not support either proposal at the present time.

#### **RECESS - 12:26 P.M. - 2:04 P.M.**

President Boyajian questioned when the process started, when and how the committee was selected, the reasoning behind why staff selected a proposal over a bid process, and questioned the criteria, including the financial stability and performance bond with Mr. Nerland, Mr. Schultz, and Senior Buyer Schramm responding. Timothy Jones, Attorney for OAD, responded to President Boyajian's questions relating to breaching of the contract and alternatives and noted that the \$35.00/ton proposed is without any other conditions. **(6-0)** President Boyajian expressed concern about the importance of employing people with Mr. Caglia stating for the record their intent was to hire people in the 93706 zip code area. Mr. Kelly responded to employment questions.



City Manager Hobbs stated for the record there was \$22 million at stake and there might be some discussion, may be debate and may be controversy. He continued with a review of the blow-up chart and discussed price per ton - \$35.00 by one proposer and \$40.00 by the second proposer and stated the price was listed in the original proposal and the savings per ton was listed as well as the annual savings to the City and the cumulative savings over the life of the contract of \$22 million. Mr. Hobbs stated staff went through a thorough process which included sending RFP's to over 20 companies, had a review panel that included people from several City departments, a representative from the County and the private sector, and reviewed the results stating the City had an opportunity to save over \$22 million versus paying out \$2.2 million to the other firm. He reiterated, stating on one hand the City would save \$22 million and on the other the City would pay more money than it would cost the City to do business today, and recommended Council stay focused on the key facts. Mr. Hobbs advised during his tenure as City Manager, he had been the recipient of several tough questions about whether staff was doing everything possible to keep utility rates down, and noted the irony was the Councilmember who seemingly lead the charge against the staff recommendation was the Councilmember who was claiming staff was not doing everything they could do to save money to keep utility rates down, reiterated staff's position in that this was an opportunity to save money and staff was looking at everything they could to keep the budget in balance to deal with Sacramento and to deal with the tough questions that he legitimately and fairly receives from Council when they ask if staff was doing everything they could to save taxpayers money, and concluded by stating the intent was to point out what was relevant and not relevant and to move forward with City business.

Councilmember Sterling questioned whether the contract could be negotiated again after Council took a vote with Assistant City Manager Souza clarifying the action Council could take. Councilmember Sterling requested Council approve an independent person to review the proposal and for the cost to be paid for by the bidders due to numerous unanswered questions. Ms. Montoy stated Council had options which were to either reject both bids and begin the process over, have a third party evaluate the proposals or continue the item for the purpose of further discussion.

Extensive discussion ensued regarding hiring an independent third party with Councilmember Duncan expressing concern with the hiring of a third party, stating what was before the Council was two comparable proposals with one saving the City \$22 million and emphasized the vote today was to award a contract only.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan to award a contract to Orange Avenue Disposal, Inc. of Fresno for the transfer, processing and disposal of municipal solid waste, construction and demolition materials, asphalt and concrete materials, and household hazardous waste materials failed, by the following vote:

|         |   |                           |
|---------|---|---------------------------|
| Ayes    | : | Calhoun, Duncan, Boyajian |
| Noes    | : | Castillo, Perea, Sterling |
| Absent  | : | None                      |
| Recuse: | : | Dages                     |

A motion to hire an independent consultant to review the proposal was acted upon after brief discussion.

Councilmember Calhoun stated he disagreed with what the Council was proposing and would be voting no on the motion.

Ms. Montoy recommended Council reject the Request for Proposals and start the process over.

A motion of Councilmember Perea, seconded by Councilmember Sterling, to direct staff to hire an independent consultant who would be selected by the City and both proposers to review the two proposals

from Orange Avenue Disposal and Sunset Waste to determine whether both proposers complied with the Request

for Proposal process; direct staff to evaluate each proposal to include evaluating the value of Alternatives “A”, “B” and “C” as were presented; direct both proposers to pay for the outside consultant and to return to Council with a recommendation failed, by the following vote:

|         |   |                           |
|---------|---|---------------------------|
| Ayes    | : | Castillo, Perea, Sterling |
| Noes    | : | Calhoun Duncan, Boyajian  |
| Absent  | : | None                      |
| Recuse: | : | Dages                     |

A motion to reject all bids was made but overridden by a motion to table the item one week.

A motion of Councilmember Duncan, seconded by Councilmember Sterling, to table the item one week, failed by the following vote:

|         |   |                            |
|---------|---|----------------------------|
| Ayes    | : | Duncan, Sterling, Boyajian |
| Noes    | : | Calhoun Castillo, Perea    |
| Absent  | : | None                       |
| Recuse: | : | Dages                      |

A second motion to reject all bids was made and voted upon after brief discussion.

Councilmember Calhoun stated both the proposals were worthy of consideration, noted the time to reject bids was when something was wrong with them, and expressed his strong support on voting no on the motion to reject both bids.

A motion of Acting President Castillo, seconded by Councilmember Perea, to reject both proposals and direct staff to renegotiate a new Request for Proposal, failed by the following vote:

|         |   |                           |
|---------|---|---------------------------|
| Ayes    | : | Castillo, Perea, Sterling |
| Noes    | : | Calhoun Duncan, Boyajian  |
| Absent  | : | None                      |
| Recuse: | : | Dages                     |

Councilmember Sterling requested clarification of the last motion and subsequently amended her vote to No, stating her intent was not to reject both proposals. The previous motion was amended to reflect the change in the vote to:

|         |   |                                     |
|---------|---|-------------------------------------|
| Ayes    | : | Castillo, Perea                     |
| Noes    | : | Calhoun, Duncan, Sterling, Boyajian |
| Absent  | : | None                                |
| Recuse: | : | Dages                               |

A motion of Councilmember Sterling, seconded by Councilmember Duncan, to continue the item one week, failed by the following vote:

|         |   |                            |
|---------|---|----------------------------|
| Ayes    | : | Duncan, Sterling, Boyajian |
| Noes    | : | Calhoun Castillo, Perea    |
| Absent  | : | None                       |
| Recuse: | : | Dages                      |

A motion was made by Acting President Castillo to award a contract for the transfer station to improve the efficiency and cost effectiveness of the City of Fresno Solid Waste Collection and assist the City in meeting the 50% diversion requirement of AB939, with the understanding the City would not break any current recycling contracts and also with the understanding that the City would not be able to renegotiate a lower tipping fee with the County of Fresno; and the contract be awarded at the fixed price of \$28.75 to IWS; failed due to a lack of a second.

A second motion was made to hire an independent consultant to review the proposal, and was discussed again later during the meeting.

**(7-0)** Councilmember Calhoun stated the fact Council was voting on the above motion again sent a message Council was dysfunctional on this issue and expressed concern on making and voting on the motion a second time and reiterated his vote would be no.

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**RECESS - 3:21 P.M. - 3:37 P.M.**

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Councilmember Calhoun stated for the record that the TEFRA hearing that was scheduled for 10:40 a.m. was time sensitive and expressed the importance of the hearing being held today.

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**CONTESTED CONSENT CALENDAR:**

**(1-K) FINDING OF MINOR IRREGULARITY AND AWARD A CONTRACT TO ROYAL ELECTRIC COMPANY OF SACRAMENTO, FOR FRESNO YOSEMITE INTERNATIONAL AIRPORT CONSTRUCTION OF NEW AIRFIELD ELECTRICAL VAULT - GENERAL SERVICES DEPT./AIRPORT DEPT.**

Kurt Zumwalt, Zumwalt Construction, 5520 E. Lamona, sub-bidder of Collins Electric, requested Council reconsider awarding the contract to Royal Electric Company and award the contract to Collins Electric, reviewed the City's bid process, stated when a contractor does not follow the detail of that process, the bid should be rejected and the next responsible bid be awarded.

Councilmember Dages questioned whether Council could reverse the appeal panel's position on awarding the contract with City Attorney Montoy responding.

Senior Buyer Schramm stated the project was federally funded, reviewed the written instruction for the DBE goals and discussed the appeal process.

Also speaking to the issue were Brian Gini, Branch Manager for Collins Electric, 1809 N. Helm Avenue, Suite #7, who stated the company did everything accurately, and noted they send letters to Disadvantage Business Enterprises and follow-up on a semi-annual basis collecting data for utilization in the bidding process and requested

Council award the contract the Collins Electric. Michael Jurkovich, Counsel for Royal Electric, 5260 N. Palm #221, stated the appeal panel found the issue to be a minor irregularity which did not effect the price and recommended the contract be awarded to Royal Electric.

contract hereby awarded to Royal Electric Company in the amount of \$1,049,359 for construction of a new airfield electrical vault at Fresno Yosemite International Airport, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Calhoun, Castillo, Dages, Duncan, Sterling, Boyajian |
| Noes   | : | Perea  |
| Absent | : | None   |

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**(1-L) RESOLUTION NO. 2003-256 - APPROVING THE FINAL MAP OF TRACT NO. 5077 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE PUBLIC WORKS DIRECTOR AND PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS - PLANNING AND DEVELOPMENT DEPT.**

Jeff Roberts, Granville Homes, spoke in support of approving Final Tract Map No. 5077 but requested a credit carry-forward of two of the items totaling \$98,000, stating it included a modification of the subdivision agreement and Granville would be willing to prepare a written indemnification.

Discussion ensued with Chief Assistant City Attorney Sanchez stating an item would be placed on the agenda in the future relating to the UGM process that would include a credit proposal and discussed with Granville Homes of having a 60 day deferral period and elaborated.

A motion to approve Final Map of Tract No. 5077 with the stipulation of the UGM credit carry-forward and to include a written indemnification was voted upon after brief discussion.

Councilmember Calhoun expressed concern stating the indemnification may bring litigation, with City Attorney Montoy stating the proposal before Council would defer the credit process for a 60-day period which would assist the City and noted the Public Works staff will present the changes to the UGM process for Council approval within 45 to 60 days.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, **RESOLVED** the above entitled Resolution No. 2003-256 hereby adopted, with the stipulation of the UGM credit carry-forward include a written indemnification which would hold the City harmless, by the following vote:

|         |   |  |
|---------|---|--|
| Ayes    | : | Castillo, Dages, Duncan, Perea, Sterling, Boyajian |
| Noes    | : | None   |
| Absent  | : | None   |
| Abstain | : | Calhoun  |

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**(10:00 A.M.) HEARING TO CONSIDER COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 49, TRACT NO. 4682**

**a. RESOLUTION NO. 2003-257 - ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2, AND AUTHORIZING THE LEVY OF A SPECIAL TAX**

**b. RESOLUTION NO. 2003-258 - CALLING SPECIAL MAILED-BALLOT ELECTION**

**c. RESOLUTION NO. 2003-259 - DECLARING ELECTION RESULTS**

**d.\*BILL NO. B-71/ORDINANCE NO. 2003-69 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 49**

President Castillo left the meeting at 4:04 p.m.

Barbara Hunt, 2475 S. Walnut spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Assistant Public Works Director Kirn briefly reviewed the staff report.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED the above entitled Resolution Nos. 2003-257, 2003-258, 2003-259 adopted, and the above entitled Bill No. B-71, adopted as Ordinance No. 2003-69, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Calhoun, Dages, Duncan, Perea, Sterling, Boyajian |
| Noes   | : | None  |
| Absent | : | Castillo  |

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**10:05 A.M. HEARING TO CONSIDER COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 53, TRACT NO. 5029**

**a. RESOLUTION NO. 2003-260 - ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2, AND AUTHORIZING THE LEVY OF A SPECIAL TAX**

**b. RESOLUTION 2003-261 - CALLING SPECIAL MAILED-BALLOT ELECTION**

**c. RESOLUTION 2003-262 - DECLARING ELECTION RESULTS**

**d.\* BILL NO. B-72/ORDINANCE NO. 2003-70 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 53**

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

Assistant Public Works Director Kirn briefly reviewed the staff report. Acting President Castillo returned to the meeting at 4:06 p.m.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED the above entitled Resolution Nos. 2003-260, 2003-261, 2003-262 adopted, and the above entitled Bill No. B-72, adopted as Ordinance No. 2003-70, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian |
| Noes   | : | None  |
| Absent | : | None  |

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**(9:00 A.M.) AWARD A CONTRACT TO ORANGE AVENUE DISPOSAL, INC. OF FRESNO FOR THE TRANSFER, PROCESSING AND DISPOSAL OF MUNICIPAL SOLID WASTE, CONSTRUCTION AND DEMOLITION MATERIALS, ASPHALT AND CONCRETE MATERIALS, AND HOUSEHOLD HAZARDOUS WASTE MATERIALS - GENERAL SERVICES DEPT./DEPT. PUBLIC UTILITIES (DISCUSSED EARLIER IN THE MEETING)**

**142-59**

**8/19/03**

Councilmember Dages recused himself from the above listed item and left the meeting 4:09 p.m. A motion made earlier during the meeting to hire an independent consultant to review the proposal was not acted upon due to

withdrawal of the motion by Councilmember Perea. No action taken.

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**(10:10 A.M.) HEARING** TO CONSIDER REZONE APPLICATION NO. R-03-036 AND ENVIRONMENTAL FINDINGS, FILED BY GARY GIANNETTA, FOR 14.74 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF N. POLK AVENUE BETWEEN W. GETTYSBURG AND W. SANTA ANA AVENUES - PLANNING AND DEVELOPMENT DEPT. *(Property located in District 2)*

- A.** CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-036, FINDING OF CONFORMANCE WITH 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)
- b. BILL** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE AE-5 (EXCLUSIVE FIVE ACRE AGRICULTURAL) ZONE DISTRICT TO THE R-1 (SINGLE-FAMILY RESIDENTIAL) ZONE DISTRICT

Councilmember Dages returned to the meeting at 4:13 p.m. President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Barbara Hunt, 2475 S. Walnut spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Planner Grinstead gave an brief overview of the staff report and recommended approval.

A motion to approve the above rezone was made and acted upon after brief discussion.

President Boyajian questioned what contribution the developer had made to Polk, Ashlan and Shaw Avenues with Planning Manager Beach stating the developer was not in a UGM area and would only be required to improve the roadway in front of his parcel. President Boyajian stressed the importance of having a plan such as traffic signalization to prevent traffic congestion. Mr. Beach stated he would include President Boyajian’s Office in the meetings with Cal Trans.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the Environmental Assessment No. R-03-036, dated June 30, 2003, resulting in a Finding of Conformance with the 2025 General Plan MEIR 10130 hereby approved, and the above entitled Bill rezoning the subject property from the AE-5 (Exclusive Five Acre Agriculture) to R-1 (Single Family Residential) adopted as an Ordinance, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Calhoun, Castillo, Dages, Duncan, Perea, Sterling |
| Noes   | : | Boyajian  |
| Absent | : | None  |

*(\* Note: The hearing was held and subsequently voided. The hearing to be heard August 26, 2003.)*

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**(10:15 A.M.) HEARING** TO CONSIDER REZONE APPLICATION NO. R-03-027 AND ENVIRONMENTAL FINDINGS, FILED BY YOSEMITE POINT PARTNERSHIP, FOR 8.98 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF N. BLYTHE AVENUE, 725 FEET SOUTH OF W. ASHLAN AVENUE - PLANNING AND DEVELOPMENT DEPT.  
**A.** CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-027/C-03-078, FINDING OF CONFORMANCE WITH 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)

**B. BILL** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE AE-5/UGM

(EXCLUSIVE FIVE ACRE AGRICULTURAL/URBAN GROWTH MANAGEMENT) ZONE DISTRICT TO THE R-2/UGM (LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT), WITHOUT ZONING CONDITIONS, ZONE DISTRICT *(Property located in District 1)*

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

Planning Manager Beach reviewed the staff report. President Boyajian stated the area involved was very dangerous to build apartments due to traffic problems and emphasized the importance of having a plan for the entire area before development. **(8-0)** President Boyajian continued by stating the plan needed to include impact fees and was disappointed that Planning and Development did not contact his office prior to this rezone request and would like to see Ashlan updated before any development proceeds.

Councilmember Perea questioned whether Steinbeck School had contacted the City in regard to what the impact would be with Mr. Beach stating the applicant was required to pay substantial impact fees set by the State of California. Councilmember Perea also expressed concern with the type of piece-meal development in that area over the years.

Councilmember Dages sympathized with District One and stated the roads in District Five were also very bad and questioned what could be done with Mr. Beach stating the applicant was being charged for signalization and also the repair of the road from his property to Ashlan Avenue and elaborated.

Councilmember Duncan stated that approval of the above request for a rezone to multi-family should give leverage and be a stronger tool for further traffic studies and made a motion to approve which was acted upon after brief discussion.

President Boyajian reiterated his concerns regarding the implementation of a plan prior to approving these developments and let it be known that the developer would be paying for the improvements and impact fees needed in the surrounding proposed area.

A motion of Councilmember Duncan, seconded by Acting President Castillo, to approve the Environmental Assessment No. R-03-027/C-03-078, dated July 16, 2003, resulting in a Finding of Conformance failed approval; and the above entitled Bill rezoning the subject property from the AE-5/UGM (Exclusive Five Acre Agriculture/Urban Growth Management) to R-2/UGM (Low Density Multiple-Family Residential/Urban Growth Management) failed adoption, by the following vote:

|        |   |                                  |
|--------|---|----------------------------------|
| Ayes   | : | Calhoun, Castillo, Duncan        |
| Noes   | : | Dages, Perea, Sterling, Boyajian |
| Absent | : | None                             |

*( \* Note: The hearing was held and subsequently voided. The hearing to be heard August 26, 2003.)*

Acting President Castillo questioned who would have to initiate a Mello-Roos District in the above listed area with City Attorney Montoy stating a Councilmember could bring the issue forward at a future meeting.

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**(10:20 A.M.) HEARING** TO CONSIDER REZONE APPLICATION NO. R-03-39 AND ENVIRONMENTAL FINDINGS, FILED BY TIM NASELROAD, FOR .9 ACRE OF PROPERTY LOCATED ON THE NORTH SIDE OF E. AUSTIN WAY, NORTH OF E. ASHLAN AVENUE AND WEST OF N. CHESTNUT AVENUE (*Property located in District 4*)

**A.** CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-03-39

**B. BILL** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE R-1-B (SINGLE-FAMILY RESIDENTIAL) ZONE DISTRICT TO THE R-2 (LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL), WITHOUT ZONING CONDITIONS, ZONE DISTRICT

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Planner Grinstead briefly reviewed the staff report and responded to questions by Acting President Castillo regarding a cinder block wall.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the corrected Environmental Assessment No. R-03-039, dated August 7, 2003, resulting in a Class 19 Categorical Exemption hereby approve, and the above entitled Bill rezoning the subject property from R-1-B (Single-Family Residential) to R-2 (Low Density Multiple-Family Residential), without zoning conditions recommended by the Fresno City Planning Commission hereby adopted as an Ordinance, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian |
| Noes   | : | None  |
| Absent | : | None  |

( \* Note: The hearing was held and subsequently voided. The hearing to be heard August 26, 2003.)

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**10:30 A.M. HEARING** TO CONSIDER REZONE APPLICATION NO. R-02-047 AND ENVIRONMENTAL FINDINGS, FILED BY GRANVILLE HOMES, INC., FOR 14.2 ACRES OF PROPERTY LOCATED ON THE NORTHWEST CORNER OF E. JENSEN AND S. SUNNYSIDE AVENUES - PLANNING AND DEVELOPMENT DEPT. (*Property located in District 5*)

**a.** CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-02-047, FINDING OF CONFORMANCE WITH 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)

**b. BILL NO. B-75/ORDINANCE NO. 2003-73** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE AE-20/EA/UGM (EXCLUSIVE TWENTY ACRE AGRICULTURE/EXPRESSWAY AREA OVERLAY DISTRICT/URBAN GROWTH MANAGEMENT) ZONE DISTRICT TO THE R-1/EA/UGM (SINGLE-FAMILY RESIDENTIAL/EXPRESSWAY AREA OVERLAY DISTRICT/URBAN GROWTH MANAGEMENT) ZONE DISTRICT

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.



Planner Bernal briefly reviewed the staff report. Councilmember Dages thanked Robert Wood for building quality homes and for improving southeast Fresno.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of Environmental Assessment No. R-02-047, that determined the project conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130), hereby approved, and the above entitled Bill No. B-75 hereby adopted as Ordinance No. 2003-73, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian |
| Noes   | : | None  |
| Absent | : | None  |

- - - -

**(10:40 A.M.) TEFRA HEARING** AS REQUIRED BY SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986 TO HEAR AND TO CONSIDER INFORMATION CONCERNING THE PROPOSED ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO FINANCE THE ACQUISITION AND REHABILITATION OF A MULTI-FAMILY HOUSING FACILITY PROJECT (FRESNO EMERALD PALM APARTMENTS) - FINANCE DEPT. *(Property located in District 2)*

**a. RESOLUTION NO. 2003-263** - APPROVING THE ISSUANCE OF MULTI-FAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Assistant Controller Bradley reviewed the staff report.

Kathleen Paley, Executive Officer of the Housing Assistant Corporation also reviewed the project, stated the apartments had not had very good management in the past and their intent was to invest slightly over a \$1 million for rehabilitation and stated the Housing Authority has every intention of monitoring the property management operations.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Calhoun stated he was pleased to have this item before Council and noted the benefit of the project with the management being on-site.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2003-263 hereby adopted, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian |
| Noes   | : | None  |
| Absent | : | None  |

would and TEFRA law requires the public approval process.

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**(11:10 A.M.) HEARING TO CONSIDER ESTABLISHING A COPPER AVENUE SEWER LIFT STATION BENEFIT SERVICE AREA AND FEE - DEPT. OF PUBLIC UTILITIES**  
**A. RESOLUTION NO. 2003-264 - DECLARING THE NECESSITY FOR A COPPER AVENUE SEWER LIFT STATION FACILITY, AND ESTABLISHING COPPER AVENUE SEWER LIFT STATION BENEFIT SERVICE AREA**  
**B. \* RESOLUTION NO. 2003-265 - 410<sup>TH</sup> AMENDMENT TO MFS RESOLUTION NO. 80-420 ADDING A COPPER AVENUE SEWER LIFT STATION BENEFIT SERVICE FEE TO CONNECTION CHARGES**

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Assistant Public Utilities Director Wiemiller reviewed the staff report and recommended approval.

Jeff Roberts, Granville Homes, the managing partner for Copper River Ranch, complimented staff on the way they handled the issue and stated the fee charged was fair and equitable.

Barbara Hunt, 2475 S. Walnut, spoke in opposition to the project.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Duncan questioned the fees being charged with Public Utilities Director McIntyre responding.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-264 and 2003-265, hereby adopted, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian |
| Noes   | : | None  |
| Absent | : | None  |

- - - -

**(11:20 A.M.) DIRECT APPROPRIATE CITY STAFF TO WORK WITH THE FRESNO ARTS COUNCIL AND THOSE THEY REPRESENT TO DEVELOP A PUBLIC ARTS ORDINANCE FOR THE CITY OF FRESNO - COUNCILMEMBER PEREA**

Councilmember Perea stated several cities have a public arts ordinance and questioned whether Council would be interested in directing City staff to work with the arts community to bring back an ordinance which would be driven by the arts community.

**(9-0)** A motion to direct appropriate City staff to work with the Fresno Arts Council, and those they represent, to develop a public arts ordinance for the City of Fresno and to return to Council within 60 days for approval was acted upon after discussion.

City Manager Hobbs stated he had worked in a community several years ago where they adopted a public arts ordinance and had seen the impact the ordinance could have, and if Council did approve the ordinance, he would assign the project to PR&CS Director Smejkal who has a background in the fine arts.

one will be provided in general terms. Councilmember Calhoun stressed the importance of the cost associated with the ordinance other than just the concept. Mr. Hobbs stated his understanding was staff would work with various parties and come back with a report. Councilmember Perea reiterated his request was to prepare an ordinance with the hope of having the approval of the City, the artistic community and anybody else who would be affected by the ordinance. Councilmember Calhoun expressed concern about the preparation of an ordinance versus bringing back a report that would have a financial analysis and elaborated.

Councilmember Duncan expressed interest and recommended staff return in 60 days with recommendations and options and then give those recommendations to the City Attorney's Office to draft an ordinance. City Attorney Montoy stated the office would need more detailed direction.

Brief discussion ensued regarding directing the City Manager to meet with the art representatives for the purpose of formulating a public arts ordinance. Councilmember Calhoun reiterated his concern with rushing the issue.

On motion of Councilmember Perea, seconded by Acting President Castillo, duly carried, RESOLVED, direct the City Manager hereby directed to meet with the Art Council Committee to formulate a public arts ordinance to submit to the City Attorney within 60 days, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Castillo, Dages, Duncan, Perea, Sterling, Boyajian |
| Noes   | : | Calhoun  |
| Absent | : | None   |

- - - -

**(4.) JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**  
**A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - GOVERNMENT CODE SECTION § 54956.8**  
**PROPERTY:** 1807 BROADWAY; APN 466-19-413 **CITY NEGOTIATORS:** CITY MANAGER, ASSISTANT CITY MANAGER AND DIRECTOR OF DEVELOPMENT **NEGOTIATING PARTIES:** MACKIE & GREG GOSTANIAN **UNDER NEGOTIATION:** ACQUISITION OF REAL PROPERTY

Continued to 8/26/2003.

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**(2:15 P.M.) WORKSHOP RELATING TO PUBLIC WORKS PROJECT ACCOUNTING - COUNCIL PRESIDENT BOYAJIAN**

Continued to September 16, 2003 at 2:15 p.m.

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**(4:15 P.M.) PRESENTATION BY GEORGIENA VIVIAN OF VRPA TECHNOLOGIES, INC. REGARDING SAN JOAQUIN VALLEY GROWTH RESPONSE STUDY - PHASE III - COUNCIL PRESIDENT BOYAJIAN**

Georgiena Vivian, VRPA Technologies, Inc. reviewed several issues including the Smart Growth; study purpose, reviewed Phase I and II outcomes, trends of Fresno/Clovis/Southeast Madera County, the purpose of Phase III, Agency/Stakeholder coordination, the use of mapping and analytical power of Geographic information System (GIS); discussed higher development densities to reduce trip lengths and vehicle travel; diversifying local land uses to reduce vehicle trips and lengths; and concluded her presentation by discussing a traditional neighborhood redesign to reduce vehicle trips and lengths. Ms. Vivian requested feedback and input from Council.

Plan and recommended scheduling a meeting with the consultant and the Planning Department to see if what was presented today would help the City with the series of implementation plans the City was executing, with brief discussion ensuing.

Councilmember Perea emphasized the importance of housing. Councilmember Duncan stated two issues to prioritize were environmental and unemployment issues. President Boyajian also concurred with the housing issue, noting the importance of having housing as well as mass transit, with extensive discussion ensuing.

**(10-0)** Gloria Torrez, (address not provided) stated transit needed to be realistic to the public, emphasized the importance of increased frequencies on key lines, noting the buses do not run long enough, early enough or late enough. Ms. Torrez continued stating the money allotted to FAX does not go into FAX, noting it is the citizens' money and needed to go into the system, and be affordable to everyone. Ms. Torrez concluded stating the money needed to be directed to the needs of the people and the people needed to be involved. Barbara Hunt, 2475 S. Walnut, expressed concern with several of the shopping centers in Fresno being in County islands. No action taken.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 6:17 p.m. having arrived and hearing no objection, Council President Boyajian declared the Council meeting adjourned.

APPROVED on the 16th day of September, 2003.

\_\_\_\_\_  
Tom Boyajian, President

ATTEST: \_\_\_\_\_  
Cindy Bruer, Deputy City Clerk

**141-248**

**8/19/03**